

Santucci & Associates  
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(212) 709-8357  
Attorneys for the plaintiff Alan M. Engler, M.D.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 08 CV 0911 (HB)

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ALAN M. ENGLER, M.D.  
(Sahley Rivers)

Plaintiff,

**AMENDED COMPLAINT**

-against-

AETNA HEALTH & LIFE INSURANCE COMPANY.  
Defendant.

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Plaintiff, by and through his attorneys, Santucci & Associates, complains of the  
Defendant as follows:

1. At all times herein mentioned, Plaintiff, ALAN M. ENGLER, M.D.

(hereinafter AEngler@) is an individual medical doctor with it=s principle place of business  
located

at 122 East 64th Street, New York, New York 10021.

2. At all times herein mentioned, defendant AETNA HEALTH & LIFE

INSURANCE COMPANY, (hereinafter AAetna@) was and still is a foreign corporation, doing

business within the City and State of New York, engaging in the business of, among other things, health insurance, with its principal place of business at 99 Park Avenue New York, New York 10016.

3. At all times herein mentioned, Sahley Rivers and or her spouse was issued a policy and or a certificate of health insurance by the defendant Aetna pursuant to an employee welfare benefit plan therefore this action is governed by the laws as set forth in ERISA, 29 U.S.C. sect. 1001.

4. At all times herein mentioned, the transaction described herein arose in the City, County and State of New York.

5. At all times herein mentioned, Sahley Rivers, assigned the medical insurance benefits and rights pursuant to said contract and or certificate of insurance to the plaintiff Engler.

6. That Sahley Rivers incurred medical bills in the amount of \$ 15,044.83 to the plaintiff Engler.

7. That the plaintiff Engler submitted said medical expenses in the amount of \$ 15,044.83 to the defendant Aetna and the defendant Aetna refused to pay said charges.

8. That the plaintiff is a Board Certified, Plastic Surgeon, Medical Doctor with offices located at 122 East 64th Street, New York, New York and is an eligible medical provider to receive compensation pursuant to the terms of the contract of insurance.

**AS AND FOR A FIRST CAUSE OF ACTION**

9. The allegations set forth in paragraphs 1 through 8 are repeated and realleged and incorporated herein in their entirety.

10. That the defendant Aetna breached the contract and or certificate of insurance issued to Sahley Rivers and or her spouse by refusing payment of the insurance proceeds pursuant to the terms of the contract and or certificate of insurance.

**AS AND FOR A SECOND CAUSE OF ACTION**

11. The allegations set forth in paragraphs 1 through 10 are repeated and realleged and incorporated herein in their entirety.

12. That the defendant arbitrarily, capriciously and or wrongfully refused payment of the medical benefits as proscribed by the contract and or certificate of insurance.

**AS AND FOR A THIRD CAUSE OF ACTION**

13. The allegations set forth in paragraphs 1 through 12 are repeated and reallege and incorporated herein in their entirety.

14. That the defendant purposely, wrongfully and or negligently interpreted the contract of insurance in denying the plaintiff compensation for the extensive medical services provided.

**WHEREFORE**, the plaintiff, ALAN M. ENGLER, M.D., demands judgment against the defendant as follows together with interest, attorney fees and costs and for other and further relief of this court:

**FIRST CAUSE OF ACTION:** Fifteen Thousand and forty four

(\$15,044.83) Dollars and 83 Cents;

**SECOND CAUSE OF ACTION:** Fifteen Thousand and forty four

(\$15,044.83) Dollars and 83 Cents;

**THIRD CAUSE OF ACTION:** Fifteen Thousand and forty four

(\$15,044.83) Dollars and 83 Cents;

Dated: New York, New York  
May 29, 2008

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Robert A. Santucci (RS-6496)  
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**ATTORNEY CERTIFICATION**

STATE OF NEW YORK        )  
  )ss.:  
COUNTY OF NEW YORK     )

**ROBERT A. SANTUCCI**, an attorney duly admitted to the courts of the State of New York hereby affirms that , I have read the foregoing Amended Complaint and know the contents thereof, upon information and belief, to be true and comply with the directive for an attorney signature upon.

Dated:           May 29, 2008  
                  New York, New York

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Robert A. Santucci, Esq (RS-6496)

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11th Floor

New York, New York 10005-3817  
(212) 709-8357  
Attorneys for the plaintiff Alan M. Engler, M.D.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 08 CV 15189 (HB)

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ALAN M. ENGLER, M.D.  
(Sahley Rivers)

Plaintiff,

**AMENDED COMPLAINT**

-against-

AETNA HEALTH & LIFE INSURANCE COMPANY .

, Defendant.

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